

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)
) Chapter: 7
Cherry Logistics Corp.,)
) Case No: 17-22532
)
Debtor.) Judge: Janet S. Baer

**NOTICE OF TRUSTEE'S MOTION FOR EMPLOYMENT OF AUCTIONEER, FOR
SALE OF ESTATE PROPERTY, FOR ABANDONMENT OF ESTATE PROPERTY AND
REQUEST FOR LIMITED AND SHORTENED NOTICE**

TO: See Attached Service List

PLEASE TAKE NOTICE THAT ON **March 23, 2018 at 11:00 a.m.** or as soon thereafter as Counsel may be heard, I shall present before the **Honorable Judge Janet S. Baer**, or any Judge sitting in her stead, at the courthouse located at **Courtroom 240, Kane County Courthouse, 100 S. Third Street, Geneva, Illinois** and present the attached *Trustee's Motion for Employment of Auctioneer, for Sale of Estate Property, For Abandonment of Estate Property and Request for Limited and Shortened Notice* at which time you may appear as you deem necessary.

AT WHICH TIME AND PLACE YOU MAY APPEAR AND BE HEARD

Thomas E. Springer
Joshua D. Greene
Springer Brown, LLC
300 South County Farm Road, Suite I
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(630) 510-0000

CERTIFICATE OF SERVICE

I, Joshua D. Greene, an attorney, on oath state that I caused to be served this Notice, Motion and proposed Order by mailing and/or electronically serving where available a copy to all parties shown and depositing same in the U.S. Mail at 300 S. County Farm Road, Illinois before 5:45 p.m. on March 14, 2018 with proper postage prepaid.

/s/ Joshua D. Greene /s/

SERVICE LIST

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Alligatortek Computer Systems Inc
One Oakbrook Terrace, St 330
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Nines Landscape LLC
Murphy Desmond S.C.
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Madison WI 53701

Chads Landscaping Inc ACH
Chad Clark
1179 Sylvertis Rd
Waterford, MI 48327

Abbott Tree Care Professionals LLC
Mike Abbot & John Davis
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Landscape Complete LLC
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Amerisure Insurance Company
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Farmington Hills MI 48333

Kingsbury Snow Removal ACH
STEPHAN HAASE & ADDI
P. O. Box 3826
Stateline, NV 89449

ACC International
200 N Furnace St., Bldg 1
Birdsboro, PA 19508

Remanufactured Systems, Inc.
325 South Union St.
Aurora, IL 60505

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**NOTICE OF MOTION FOR EMPLOYMENT OF AUCTIONEER, FOR SALE OF
ESTATE PROPERTY, FOR ABANDONMENT OF ESTATE PROPERTY AND FOR
REDUCED NOTICE**

NOW COMES Frank Kokoszka, duly appointed and serving Chapter 7 Trustee, by and through his attorneys, Springer Brown, LLC, and in support of his Motion to Retain Auctioneer pursuant to 11 U.S.C. §327 (the “Code”) for approval of sale of Estate property pursuant to 11 U.S.C. §363, for abandonment of Estate property pursuant to 11 U.S.C. §554, and for reduced notice under FRBP 2002, respectfully states to this honorable Court as follows:

1. This case was commenced by Debtor’s filing of a Voluntary Petition for Relief under Chapter 7 of the United States Bankruptcy Code on July 28, 2017 (the “Petition Date”).
2. Frank J. Kokoszka was subsequently appointed as Trustee herein and continues to serve in that capacity.
3. Prior to the Petition Date, Debtor leased office space located at 2801 Finley Rd., Downers Grove, Illinois. Located in the office space are various computers, desks, chairs, electronic equipment and other office furnishings (the “Office Equipment”). Trustee is informed and believes that some of the Office Equipment is owned free and clear of any liens, claims and encumbrances, and that some of the Office Equipment may be subject to a leasehold interest in favor of Remanufactured Systems, Inc. (“RSI”). Trustee has reached out to RSI to determine

what, if any, interest that RSI may have in the Office Equipment, but has not received any response as of the date of this Motion. RSI has not filed a secured claim in the bankruptcy case and has not sought return of any of the Office Equipment.

4. Trustee seeks to retain David Heath of American Auction Associates, Inc. to take possession of, secure, and conduct a public auction sale of the Office Equipment, which is expected to take place on or around April 12, 2018.

6. David Heath has proposed to conduct such an auction on the basis of a buyer's premium not to exceed ten percent (10%) plus reimbursement of expenses or a pro rata portion thereof.

7. David Heath is a disinterested party herein and is properly bonded in accordance with local rules and is an experienced auction professional who has been employed in numerous bankruptcy estates by the Trustees before this Court. A true copy of David Heath's Affidavit of Disinterestedness is attached hereto and incorporated herein.

8. Trustee additionally seeks abandonment of any Office Equipment that is not sold at auction. The office building in which Debtor was located is subject to a foreclosure proceeding filed by MB Financial Bank. A receiver has been appointed who is currently preparing the building for sale. Allowing any unsold assets to remain in the Debtor's office space would only subject the estate to unnecessary administrative costs.

9. In order to expedite the auction and sale process into the first available auction date by Mr. Heath in an effort to maximize marketing and exposure of the Office Equipment to the potential purchasing market, the Trustee requests reduced notice of this motion pursuant to FRBP 2002 and 6007 to include date of filing to date of presentment of the Motion before the

Court. Trustee further request that notice of this motion be limited to the 20 largest creditors with proofs of claim on file and to RSI.

WHEREFORE Trustee prays for entry of an Order authorizing Trustee to retain David Heath of American Auction Associates, Inc. as auctioneer herein on the basis of a buyer's premium not to exceed ten percent plus expense reimbursement; for auction sale of the Office Equipment referenced herein; for authorization to abandon any office equipment not sold at auction; for reduced notice of this Motion by the Trustee pursuant to FRBP 2002 and 6007; and for any such other and further relief as this Court deems just and equitable.

Respectfully Submitted,
Frank Kokoszka Trustee

By: /s/Joshua D. Greene /s/
One of His Attorneys

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